

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRANDON ASHWORTH,)	
)	Civil Action No.
Plaintiff,)	
v.)	
)	
LI-WAY TRANSFER & STORAGE,)	JURY TRIAL DEMANDED
INC.)	
)	
Defendant.)	
_____)	

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff Brandon Ashworth (“Plaintiff”), through undersigned counsel, and files this lawsuit against Defendant Li-Way Transfer & Storage, Inc. (“Li-Way” or “Defendant”) and for his Complaint shows the following:

I. Nature of Complaint

1.

Plaintiff brings this action to obtain full and complete relief and to redress the unlawful employment practices described herein.

2.

This action seeks, *inter alia*, declaratory and equitable relief, along with monetary damages, attorney's fees and costs.

II. Jurisdiction and Venue

3.

This Court has jurisdiction over the parties and Plaintiff's claims asserted herein under Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000(e), *et seq.* ("Title VII").

4.

Defendant Li-Way's office is located in the Northern District of Georgia. Additionally, material acts and omissions giving rise to Plaintiff's claims were committed within this county. Thus, venue is appropriate in this Court.

III. Parties and Facts

5.

Plaintiff began his employment with Defendant Li-Way, on or around October 21, 2019, in Lithonia, Georgia.

6.

That day, Randall Pugh, General Manager, and brother of Owner Wayne Pugh, commented on seeing the shape of Plaintiff's penis through his pants, "Let me see that thing."

7.

In or about November 2019, Randall also started making unwanted sexual requests of Plaintiff, asked him to have an affair with him, and told Plaintiff not to worry, that he wouldn't tell Plaintiff's wife.

8.

Randall also asked Plaintiff, "If I sexually assault you, would you tell anyone?"

9.

In or about December 2019, Randall also told Plaintiff that while he is under his desk, changing his trash, to "suck his dick." He grabbed Plaintiff's head when he said it, like he was simulating oral sex.

10.

Over the next few months, Randall continued to push Plaintiff to have an affair with him, to make him feel good, he offered to give Plaintiff a pay raise "if you suck my dick", showed Plaintiff his buttocks and told him "C'mon, you can give it to me or I can give it to you", warned Plaintiff that if he said anything or reported his behavior "I'll fire your ass", and forced his arm around Plaintiff and stroked his back.

11.

This sexual harassment continued through January 2020, when Plaintiff was transferred to the Covington corporate office and took over the job of Warehouse Manager.

12.

On his first day at the Covington location, Plaintiff met Tommy Taylor, the shop supervisor and mechanic.

13.

While Plaintiff and Tommy were in different departments, Tommy was higher up in management than Plaintiff. Tommy supervised all mechanics and would regularly meet with Owner Wayne Pugh and Longbow representatives.

14.

Tommy asked Plaintiff how he liked working with Randall and said that he had heard they were kissing behind boxes in the warehouse.

15.

Randall began showing up at his new location and continued to sexually harass him.

16.

Plaintiff was scared about what Randall would do to him next.

17.

Sometime during January or February 2020, Plaintiff complained to Tommy that Randall had offered to give him a raise in return for oral sex. In that conversation, Plaintiff complained about other sexual harassment, as well.

18.

From then on, instead of helping or showing Plaintiff any compassion, Tommy would make him the butt of his jokes, saying things like “I heard you were playing Randy’s skin flute.”

19.

In or about February 2020, Randall came to the Covington location to help the dispatch department. He looked for and found Plaintiff, and twisted and pulled his nipple. Plaintiff told him to stop.

20.

In or about February 2020, Plaintiff complained to Tommy’s wife, Celia, another manager, and Tommy’s stepson, Christopher, about Randall’s sexually harassing behavior. Celia and Christopher both worked for Li-way.

21.

In or about March 2020, Randall showed up at Plaintiff’s office and asked him to prepare some boxes for shipment. As Plaintiff walked to check whether he had boxes, Randall got very close so that his body touched Plaintiff’s, and then

pulled and twisted Plaintiff's nipple. Plaintiff told him no.

22.

Christopher told Plaintiff that he had also been the recipient of Randall's sexual harassment.

23.

Christopher said that Randall had gotten between him and co-employee Tony Boatfield and told them that he wanted them to make a sandwich, implying a threesome.

24.

Tony Boatfield and another employee, Crystal Shadix, both told Plaintiff that they had been sexual harassed by Randall on separate occasions.

25.

In or about June 2020, Randall again came to Plaintiff's location to help the dispatch department. When Plaintiff walked into the dispatch area to give something to his supervisor, Renee Forest, Randall walked up to him and twisted his nipple. Plaintiff told him to stop.

26.

In or about October 2020, Randall came to Plaintiff's office and had Plaintiff follow him so he could show him where future product was going to be stored. After looking over the space, Plaintiff turned around and Randall was staring at him.

Randall quickly moved over to Plaintiff, so that their bodies were touching. He twisted Plaintiff's nipple and asked, "You like that?" Plaintiff said no and told him to stop.

27.

In or about December 2020, Randall again showed up to Plaintiff's location. Plaintiff and Austin, the old warehouse manager, were working on a project. Randall found them and said, "Hello, you two stud muffins." Randall then licked his lips at them, reached out, and twisted Plaintiff's nipple.

28.

In or about June 2021, Renee Forest was out sick, so Randall came back to help dispatch for a week. Any time Plaintiff had to walk to the dispatch department to change out trash cans, Randall would tell him, "While you're down there changing my trash can, suck my dick." He would also twist and pull Plaintiff's nipple, even after Plaintiff told him to stop. He also rubbed himself against Plaintiff.

29.

In or about July 2021, Randall came to Plaintiff's location for a meeting. He went to where Plaintiff was working, commented on the head of Plaintiff's penis through his pants, licked his lips, and said, "You need to make Randy feel good" as he grabbed Plaintiff's nipple and twisted it. Plaintiff told him to get out of his office.

30.

In or about December 2021, Wayne Pugh asked Plaintiff to go back and help at the Lithonia location.

31.

As Plaintiff was sweeping out a trailer there, Randall walked up behind him and asked him, “If you and I went on a camping trip and I sexually assaulted you, would you tell anyone?”

32.

On March 15, 2022, Randall stuck his head into Plaintiff’s office and asked what he was doing. Plaintiff said he was working on some Straightway (a vendor) stuff. Randall responded, “Well, it ain’t the gay way.”

33.

Later, when he was in the warehouse, Randall yelled out, “Brandon Ashworth, where are you?!”, hunted him down, and lunged at Plaintiff, despite Plaintiff’s attempts to avoid him.

34.

On or about August 16, 2022, Randall leered at Plaintiff’s genital area and licked his lips.

35.

On or about August 20, 2022, Randall grabbed Plaintiff’s nipple and slapped

his read end with a manilla folder.

36.

Randall had a hammer in his hand, and he told Plaintiff that he was going to hit him with it.

37.

On August 22, 2022, Plaintiff made a complaint about Randall's sexually harassing behavior to Randall's brother and Defendant Li-Way's Owner, Wayne Pugh.

38.

Wayne sent Plaintiff home "pending investigation."

39.

Wayne then went to Plaintiff's house, gave him a questionnaire, and told Plaintiff to get it back to him as soon as possible.

40.

The questionnaire asked questions like whether Plaintiff took action to stop the "perceived inappropriate behavior" and whether there was any physical evidence that supported his claim.

41.

On August 24, 2022, Plaintiff told Wayne that he had gotten legal representation and would respond to the questionnaire through them.

42.

On August 26, 2022, Wayne sent Plaintiff a certified letter informing him that he was terminated.

43.

Any reason given for Plaintiff's termination is pretext for unlawful retaliation for Plaintiff engaging in protected activity.

44.

As a result of Defendant's unlawful actions, Plaintiff has suffered damages, including lost wages and emotional distress.

45.

Defendant had 15, or more employees in 20, or more calendar weeks in 2022.

46.

Defendant is an employer subject to Title VII.

CLAIMS FOR RELIEF

Count I: Retaliation in Violation of Title VII of the Civil Rights Act of 1964, as amended

47.

Plaintiff reasserts and incorporates Paragraphs 1 through 44 of this Complaint as if fully set forth herein.

48.

Plaintiff's complaints and opposition to, inter alia, sexual harassment constitute protected activity under Title VII.

49.

Defendant subjected Plaintiff to adverse action (to wit, termination) because of his protected conduct. The adverse action to which Plaintiff was subjected would dissuade a reasonable employee from making or supporting a charge of discrimination.

50.

There was a causal connection between the protected conduct and the adverse action of termination.

51.

As a direct and proximate result of Defendant's violations, Plaintiff has suffered economic and non-pecuniary damages.

52.

Defendant willfully and wantonly disregarded Plaintiff's rights, and its actions toward Plaintiff were undertaken in bad faith.

53.

Plaintiff is entitled to punitive damages, lost wages and benefits, compensatory damages, attorneys' fees and costs, prejudgment interest,

reinstatement or front pay in lieu thereof, and any other relief available under the law.

Prayer for Relief

WHEREFORE, Plaintiff respectfully requests that this Court:

- (A) Grant Plaintiff a trial by jury as to all triable issues of fact;
- (B) Grant declaratory judgment declaring that Plaintiff's rights have been violated;
- (C) Compensatory damages, including damages for mental and emotional suffering caused by Defendant's misconduct;
- (D) Punitive damages based on Defendants' willful, malicious, intentional, and deliberate acts, including ratification, condonation and approval of said acts;
- (E) Special damages for lost wages and benefits and prejudgment interest thereon;
- (F) Reasonable attorney's fees and expenses of litigation;
- (G) Prejudgment interest at the rate allowed by law;
- (H) All other relief to which Plaintiff may be entitled.

This 8th day of February, 2023.

BARRETT & FARAHANY

s/ V. Severin Roberts
V. Severin Roberts

Georgia Bar No. 940504
Attorney for Plaintiff

PO BOX 530092
Atlanta, GA 30353
(404) 214-0120
(404) 214-0125 facsimile
severin@justiceatwork.com